

EXHIBIT R

LEE DAVID KLEIN, ESQ
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MEMBER NY AND CT BAR

THIS FIRM DOES NOT ACCEPT
SERVICE BY FACSIMILE TRANSMISSION

SUSAN SAMMUT, LEGAL ASSISTANT

March 28, 2008

John J. Walsh, Esq.
Hodges, Walsh & Slater, LLP
55 Church Street, Suite 211
White Plains, NY 10601

Re: Eric K. Merring v. the Town of Tuxedo, New York, the Town of Tuxedo Police Department, Town of Tuxedo Police Officer Anthony Delia, Shield Number 24, Town of Tuxedo Police Sergeant Patrick Welsh, Shield Number 17
United States District Court, Southern District of New York
Index Number: 07CV10381

Dear Mr. Walsh:

Pursuant to agreement, enclosed please find for service upon you a copy of plaintiff's AMENDED COMPLAINT, in connection with the above-referenced matter.


I am awaiting responses to Interrogatories and Requests for Documents pursuant to demands served at the end of last month. Pursuant to the Conference Order entered into on January 25th, these Responses are due on March 31st.

Please extend our best wishes to your colleague whose wife is ill.

John J. Walsh, Esq.
Hodges, Walsh & Slater, LLP
Page 2

Thank you for your continued courtesies and prompt attention to the foregoing.

Yours truly,

A handwritten signature in dark ink, appearing to read 'LDK', is written over the typed name.

Lee David Klein

LDK:ss

Enclosure

cc: Client (w/ enclosure)

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SUSAN SAMMUT, LEGAL ASSISTANT

April 22, 2008

VIA FACSIMILE TO: 914-304-4335
AND REGULAR MAIL

John J. Walsh, Esq.
Hodges, Walsh & Slater, LLP
55 Church Street, Suite 211
White Plains, NY 10601

Re: **Eric K. Merring v. the Town of Tuxedo, New York, the Town of Tuxedo**
Police Department, Town of Tuxedo Police Officer Anthony Delia,
Shield Number 24, Town of Tuxedo Police Sergeant Patrick Welsh,
Shield Number 17
United States District Court, Southern District of New York
Index Number: 07CV10381

Dear Mr. Walsh:

I am writing in connection with the above-referenced matter, in which I acknowledge receipt of your Motion on April 16, 2008, returnable May 16, 2008.

I am writing to request your consent to an adjournment of the return date for the following reasons:

1. I am still awaiting responses to the Request for Production of Documents and Interrogatories served upon you on February 29, 2008, which responses were due on or before March 31, 2008. I believe I am entitled to have this information and documentation, as such information and documentation would be pertinent in responding to your Motion.

John J. Walsh, Esq.
Hodges, Walsh & Slater, LLP
Page 2

2. I am enclosing a formal demand for inspection for an opportunity for my client, Mr. Merring, my Private Investigator, Kenneth Massaria, and I to inspect and photograph the items taken from Mr. Merring, namely the knife and the stick, reiterating my requests made of you in my correspondence of March 12, 2008, to which I have had no response. I would like this inspection to take place at a point in time so that I may be able to incorporate the observations made there in the context of a Motion. As you made no response to my correspondence, I am enclosing a formal demand.
3. Given my current family, holiday, and Court obligations, I shall need additional time.

Upon your receipt and review, please contact me to discuss the same, or, at the very least, provide me the courtesy of a substantive response.

Thank you for your continued courtesies.

Yours truly,

A handwritten signature in dark ink, appearing to read 'LDK', written in a cursive, flowing style.

Lee David Klein

LDK:ss
Enclosures (via regular mail only)
cc: Client (w/ enclosures)

HP LaserJet 3390

Fax Call Report



LAW OFFICES
845-454-6612
Apr-22-2008 14:06

Job	Date	Time	Type	Identification	Duration	Pages	Result
4095	4/22/2008	14:04:31	Send	19143044335	1:49	3	OK

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Susan Sammul, Legal Assistant

FACSIMILE COVER SHEET

TO: John Walsh, Esq.

Firm or Company: Hodges, Walsh & Slater, LLP

FROM: LEE DAVID KLEIN, ESQ.

DATE: April 22, 2008

FAX TO #: 914-304-4335

FILE NO.:

OUR FILE NAME: Moring, EricTransmission will consist of: 3 pages, including this page.

RE:

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Susan Sammut, Legal Assistant

FACSIMILE COVER SHEET

TO: John Walsh, Esq.

Firm or Company: Hodges, Walsh & Slater, LLP

FROM: LEE DAVID KLEIN, ESQ.

DATE: April 22, 2008

FAX TO #: 914-304-4335

FILE NO.:

OUR FILE NAME: Merring, Eric

Transmission will consist of: 3 pages, including this page.

RE:

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SUSAN SAMMUT, LEGAL ASSISTANT

May 1, 2008

VIA FACSIMILE TO: 914-304-4335
AND REGULAR MAIL

John J. Walsh, Esq.
Hodges, Walsh & Slater, LLP
55 Church Street, Suite 211
White Plains, NY 10601

Re: Eric K. Merring v. the Town of Tuxedo, New York, the Town of Tuxedo
Police Department, Town of Tuxedo Police Officer Anthony Delia,
Shield Number 24, Town of Tuxedo Police Sergeant Patrick Welsh,
Shield Number 17
United States District Court, Southern District of New York
Index Number: 07CV10381
Motion Return Date: May 16, 2008, at 10:00 a.m.

Dear Mr. Walsh:

I am writing to follow up our telephone conversation of April 29, 2008, regarding the above-referenced matter.

You had made a Motion pertaining to the issue of qualified immunity, with a return date of May 16th. I have requested your consent to an adjournment of the return date of one (1) month, to and including June 16, 2008, to which you consented. We shall notify the Court accordingly and copy you on any such necessary correspondence.

John J. Walsh, Esq.
Hodges, Walsh & Slater, LLP
Page 2

You also indicated that you would review our Request for Documents and Interrogatories served on February 29, 2008, in connection with which responses were due on or before March 31, 2008, and provide responses accordingly. I look forward to receiving the same.

Additionally, we discussed an opportunity for my Private Investigator, Kenneth Massaria, Mr. Merring and I to inspect to the items of personal property taken from him on December 4, 2006, namely the knife and the stick, which as I understand are still in the custody of the Town of Tuxedo Police Department.

My understanding is that you will have someone advise of some possible dates and times so that we may arrive at a mutually convenient date and time for such purpose.

I look forward to hearing from you in the very near future regarding the foregoing.

Thank you for your continued courtesies. Please extend our condolences for your colleague, Paul Svensson, Esq., on the loss of Mrs. Svensson.

Yours truly,

A handwritten signature in dark ink, appearing to read 'L. Klein', with a stylized flourish at the end.

Lee David Klein

LDK:ss

cc: Mr. Kenneth Massaria
Client

HP LaserJet 3390

Fax Call Report



LAW OFFICES
845-454-6612
May-1-2008 13:49

Job	Date	Time	Type	Identification	Duration	Pages	Result
4178	5/ 1/2008	13:47:36	Send	19143044335	1:49	3	OK

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FACSIMILE COVER SHEET

TO: John Walsh, Esq.

Firm or Company: Hodges, Walsh & Slater, LLP

FROM: LEE DAVID KLEIN, ESQ.

DATE: May 1, 2008

FAX TO #: 914-304-4335

FILE NO.:

OUR FILE NAME: Merring, Eric

Transmission will consist of: 3 pages, including this page.

RE:

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Fax Call Report



LAW OFFICES
845-454-6612
May-1-2008 13:58

Job	Date	Time	Type	Identification	Duration	Pages	Result
4181	5/ 1/2008	13:56:26	Send	19143044335	1:53	4	OK

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FAX TO #: 914-304-4335
FILE NO.:
OUR FILE NAME: Merring, Eric
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